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Attorneys for Defendant
SCOTTSDALE INSURANCE COMPANY

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

THOMAS J. KERRINS d.b.a. SQUARE
ONE REAL ESTATE & SQUARE ONE
FINANCIAL

Plaintiff,

v.

SCOTTSDALE INSURANCE
COMPANY, and DOES 1 through 20,
inclusive,

Defendants.

CASE NO. 4:13-cv-04266-EMC

STIPULATION AND [PROPOSED] ORDER
TO CONTINUE HEARING ON
SCOTTSDALE INSURANCE COMPANY'S
SUMMARY JUDGMENT MOTION AND
CASE MANAGEMENT CONFERENCE

Pursuant to Civil Local Rule 7-12, Plaintiff Thomas Kerrins d.b.a. Square One Real Estate & Square One Financial ("Kerrins") and Defendant Scottsdale Insurance Company ("Scottsdale"), through their respective attorneys of record, stipulate and request that the Court enter an order thereon, to continue the hearing on Scottsdale's summary judgment motion to May 29, 2014 (as well as continue the deadline for the opposition to such motion to May 15, 2014, and the deadline for the reply to such motion to May 22, 2014), and to continue the date for the further Case Management Conference to May 29, 2014. In support of this stipulation, the parties state as follows:

1. On December 12, 2013, following a Case Management Conference in this matter, the Court ordered as follows: "The case is referred to private mediation. Private mediation is to be completed after MSJ is filed but no later than 5/9/14. ... Defendant's motion for summary judgment shall be filed by 3/6/14. Opposition due 3/20/14. Reply due 3/27/14. Motion hearing and further CMC scheduled for 4/10/14 at 1:30 p.m. (subject to continuance if mediation is not completed.) An updated joint CMC statement shall be filed by 4/3/14." (ECF No. 19.)

2. On March 6, 2014, Scottsdale filed its motion for summary judgment, noticing the motion for hearing on April 10, 2014 at 1:30 p.m. (ECF Nos. 22 - 25.)

3. Kerrins and Scottsdale have agreed to mediate the present matter jointly with the mediation of the underlying action (*Gabriela Tatranska and Drahotin Tatransky v. Kerrins*, Alameda County Superior Court, Case No. RG10507103), with Craig S. Meredith, Esq. of JAMS San Francisco on April 30, 2014.

4. The parties wish to complete the mediation in this matter before a hearing is had on Scottsdale's summary judgment motion, and that any opposition to such motion and any reply in support of such motion be filed after the April 30, 2014 mediation is completed.

5. The first mutually agreeable date after the mediation for counsel for the parties for a hearing on Scottsdale's dispositive motion is May 29, 2014, whereby the opposition would be due on May 15, 2014, and the reply would be due on May 22, 2014.

THEREFORE, the parties respectfully request that the Court continue the hearing for

1 Scottsdale's summary judgment motion to May 29, 2014 at 1:30 p.m., or as soon thereafter as the
2 matter may be heard, with the opposition deadline continued to May 15, 2014 and the reply
3 deadline continued to May 22, 2014. The parties also respectfully request that the Court
4 continue the further Case Management Conference to May 29, 2014 or to the date of the hearing
5 on Scottsdale's summary judgment motion. An updated joint CMC statement shall be filed by
6 May 22, 2014 or to a date one week prior to the further Case Management Conference.

7 IT IS SO STIPULATED, AGREED, AND RESPECTFULLY REQUESTED.

8 DATED: March 14, 2014

BARDELLINI, STRAW, CAVIN & BUPP, LLP

9 By: _____

10 John F. Cavin
11 Steven J. Kahn
12 Attorneys for Plaintiff
THOMAS J. KERRINS d.b.a. SQUARE ONE
REAL ESTATE & SQUARE ONE FINANCIAL

13 DATED: March 14, 2014

SEDGWICK LLP

14 By: _____

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16 Brian D. Harrison
17 Veena A. Mitchell
18 Attorneys for Defendant
19 SCOTTSDALE INSURANCE COMPANY
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3 deadline continued to May 22, 2014. The parties also respectfully request that the Court
4 continue the further Case Management Conference to May 29, 2014 or to the date of the hearing
5 on Scottsdale's summary judgment motion. An updated joint CMC statement shall be filed by
6 May 22, 2014 or to a date one week prior to the further Case Management Conference.

7 IT IS SO STIPULATED, AGREED, AND RESPECTFULLY REQUESTED.

8 DATED: March 14, 2014

BARDELLINI, STRAW, CAVIN & BUPP, LLP

9 By: 

John F. Cavin

Steven J. Kahn

Attorneys for Plaintiff

THOMAS J. KERRINS d.b.a. SQUARE ONE

REAL ESTATE & SQUARE ONE FINANCIAL

13 DATED: March 14, 2014

SEDGWICK LLP

14 By: _____

Brian D. Harrison

Veena A. Mitchell

Attorneys for Defendant

SCOTTSDALE INSURANCE COMPANY

ORDER

PURSUANT TO THE PARTIES' STIPULATION, IT IS ORDERED that:

The hearing for Scottsdale Insurance Company's summary judgment motion is continued to May 29, 2014 at 1:30 p.m. The opposition to the motion is due on May 15¹, 2014. The reply is due on May 22⁸, 2014. The Case Management Conference is continued to May 29, 2014 at 1:30 p.m. An updated CMC Statement shall be filed by May 22, 2014.

IT IS SO ORDERED.

DATED: 3/17/14

